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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,111	12/15/2003	Sergey Brin	0026-0021CON1	4857
44989	7590	07/13/2007		
HARRITY SNYDER, LLP 11350 Random Hills Road SUITE 600 FAIRFAX, VA 22030			EXAMINER AL HASHEMI, SANA A	
			ART UNIT 2164	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/734,111

Applicant(s)

BRIN, SERGEY

Examiner

Sana Al-Hashemi

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is issued in responds to applicant arguments filed 5/9/07.
2. Claims 1-34 were canceled. Claims 35-54 were added.
3. Claims 35-54 are pending.

### ***Response to Amendment***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 35, 36, and 40-44, are rejected under 35 U.S.C 102(b) as being anticipated by Mizutani et al. (Mizutani hereinafter) (US Patent No. 6,801,916).

Regarding Claims 35, 45, 49 and 53, Mizutani discloses a computer-implemented method comprising:

receiving a set of information that defines an example of information that is being sought (Col. 6, lines 17-20 and lines 64-67, sine the claim language is not supported in the specification in any specific way the Examiner interpreted the user accessing the requested information corresponds to the claimed language, Mizutani );

Art Unit: 2164

locating occurrences of the received set of information in a database (Fig. 8, SKIP PLURAL CHARACTER CONSTITUENT, Col. 5, lines 11-17, Mizutani);

analyzing the occurrences of the received set of information (Fig. 8, 105, lines 21-24, Mizutani); and

generating, based on the analysis, a pattern in which the set of information occurs in the database (Fig. 9, 208, Col. 6, lines 59-65, Mizutani).

Regarding Claims 36, and 47, Mizutani discloses a method wherein the pattern is defined as text that matches a regular expression (Fig. 2, TEXT DATA, Col. 5, lines 45-54, Mizutani).

Regarding Claims 40, 46, and 50, Mizutani discloses a method further comprising: determining a plurality of different patterns based on the analysis of the occurrences of the set of information (Col. 4, lines 38-42, Mizutani).

Regarding Claim 41, Mizutani discloses a method further comprising: using the pattern to locate occurrences of additional sets of information (Col. 4, lines 43-49, Mizutani).

Regarding Claims 42, 48, and 51, Mizutani discloses a method further comprising: analyzing the additional sets of information to determine an additional pattern in which the additional sets of information occur in the database (Col. 12, lines 11-18, Mizutani).

Regarding Claims 43, and 52, Mizutani discloses a method wherein the pattern is defined by a regular expression, context free grammar, or computable function (Col. 12, lines 50-65, Mizutani).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37-39, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Hita et al (de Hita hereinafter) (US Patent No. 6,081,774).

Regarding Claims 37, and 54, Mizutani discloses all the claimed subject matter as stated above. However, the Mizutani is silent with respect to the method wherein the text includes hyper-text markup language (HTML). On the other hand de Hita at Col. 7, lines 10-22 discloses a text includes HTML. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the HTML text in the Mizutani system since both art deals with search text and both from the same endeavor and there will expectation of success when the Mizutani system deals with the HTML language which will improve the use of the system and increase the number of users since the use of the World Wide Web at the time the Mizutani was made is very common among users around the world.

Regarding Claim 38, the combination of Mizutani in view of de Hita discloses a method wherein the pattern includes middle text, where the middle text is between elements in the set of information (Col. 4, lines 10-14, Mizutani).

Regarding Claim 39, the combination of Mizutani in view of de Hita discloses a method wherein the pattern includes prefix text and suffix text, where the prefix text precedes the elements in the set of information and the suffix text follows the elements in the set of information (Col. 4, lines 23-33, Mizutani).

Art Unit: 2164

Regarding Claim 44, the combination of Mizutani in view of de Hita discloses a method wherein the database includes the World Wide Web (Col. 7, lines 15-22, de Hita, where in the web browser and internet correspond to the World Wide web).

***Response to Arguments***

Applicant argues that the Applied art fails to disclose the claimed subject matter as claimed such as applicant stated the “Mizutani for example, completely fails to disclose or suggest receiving a set of information that defines an example of information that is being sought”.

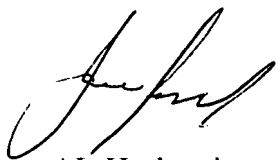
Examiner disagrees. Applicant arguments with respect to the “receiving a set of information that defines an example of information that is being sought, was not defined in the specification in any specific way the limitation was interpreted with the broadest reasonable interpretation according to the MPEP “Asserting an argument of patentability. A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.” Therefore the limitation was interpreted as the information requested that defined the examples used in retrieve the information from the clinic database.

***Point of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013. The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sana AL-Hashemi  
Primary Patent Examiner  
Technology Center 2100  
June 27, 2007